ACTS

PASSED AT THE CALLED SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

BEGUN AND HELD IN THE TOWN OF TUSCALOOSA, ON THE 1ST JUNE, ONE THOUSAND EIGHT HUNDRED AND THIRTY SEVEN.

CLEMENT C. CLAY, GOVERNOR.

HUGH McVAY, PRESIDENT OF THE SENATE.

A. P. BAGBY, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TUSCALOOSA:

FERGUSON & EATON, STATE PRINTERS.

1837.

LAWS OF ALABAMA,

PASSED AT THE CALLED SESSION OF 1837.

[No. 1.] AN ACT

To authorize the Bank of the State of Alabama and its Branches, to circulate bills or notes of less denominations than five dollars.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third section of an act, entitled "an act to prohibit the circulation of certain bills and notes therein mentioned and for other purposes," approved January 10th, 1835, be and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted,* That it shall be the duty of the President and Directors of the said bank of the State, and of the several branches thereof, as soon as practicable, to issue and put into circulation, bills or notes of said bank and branches respectively, of less denominations than five dollars, sufficient in quantity to supply the wants of the community for the purposes of change. To issue notes of a less denomination than $5.

Approved June 22nd, 1837.

[No. 2.] AN ACT

To alter the boundaries of certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all that part of the county of Montgomery, included in either the following lines, shall be added to and form a part of Coosa county, that is to say—a line commencing at the south east corner of section 23, in township 18 and range 18, and running east to the south east corner of section 20, in township 18 and range 18, thence north to the line between Coosa and Montgomery counties, thence west to the Coosa river, thence down said river to where the line between sections 23 and 24 crosses said river, thence south to the south east corner of section 23. Part of Montgomery county added to Coosa county.

Sec. 2. *And be it further enacted,* That all that part of Coosa county included in the following lines, shall be added to and form a part of Montgomery county, that is to say—a line commencing at the south east corner of section 9, township 18 and range 19, running south to the line between the counties of Montgomery and Coosa, thence north to the south east corner of section 12, township 18 and range 20, thence west to the south east corner of section 9 township 18 and range 19 as aforesaid: *Provided,* That the present seat of justice in Coosa county shall not be removed until after the next census of the population of this State be taken. Part of Coosa county added to Montgomery.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act shall be and the same are hereby repealed. Repeal.

Approved June 24th, 1837.

No. 3] AN ACT

To allow each of the several counties of Tallapoosa, Russell, Coosa, Chambers, Marshall, Randolph, Macon, De Kalb, Covington, Cherokee, Talladega and Dale, one member in the House of Representatives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That on the first Monday of August next, the said counties of Tallapoosa, Russell, Coosa, Chambers, Marshall, Randolph, Macon, De Kalb, Covington, Cherokee, Talladega and Dale be entitled, each to one representative, and they are hereby authorized each to elect one representative under the same rules and regulations required for electing members of the General Assembly of the State of Alabama.

Required to hold elections on the first Monday in August.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the Sheriffs of the several counties aforesaid, are hereby authorised and required to hold an election, each in his own county, on the first Monday of August next, under the same rules and regulations required by the laws of the State of Alabama in the other counties in this State in pursuance of the provisions of the foregoing section.

Sheriffs to make returns.

Sec. 3. *And be it further enacted*, That hereafter it shall be the duty of the Sheriffs of said counties to make the returns of the general elections to the Secretary of State, any law or parts of laws to the contrary notwithstanding. Approved June 28th 1837.

No. 4.] AN ACT

To change for a limited time the time at which returns are made for the election of members to Congress.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That for the purpose of securing representation in the approaching called session of Congress, the Sheriff or other returning officers in each congressional district in this State, be and they are hereby, required to meet on the fifteenth day of August next for the purpose of examining and comparing the polls, giving certificates &c., instead of the time now provided by law, and the Sheriffs of the counties of Morgan, Lawrence, Tuscaloosa, Montgomery and Clark, shall be the returning officers for their respective congressional districts, and the Sheriffs of the other counties in their district shall make return to the returning officers above mentioned: *Provided*, this act shall not continue in force after that time.

Returning officers to meet 15th August.

Sheriffs to be returning officers.

Proviso.

Penalty for non-compliance.

Sec. 2. *And be it further enacted*, That if any Sheriff or returning officer should fail to comply with the provisions of this act, he shall forfeit and pay the sum of one thousand dollars.

Attorney General and Solicitors to prosecute.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Attorney General, and of the different Solicitors to prosecute any Sheriff or returning officer, who shall fail to make returns according to the provisions of this act.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Secretary of State to transmit a copy of this act to each Sheriff of the several counties as soon as practicable.

Approved, June 29th, 1837.

No. 5.] AN ACT

To amend an act to revise the militia laws of the State of Alabama, approved December 23, 1836.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners authorised to be appointed under the provisions of the above recited act, shall meet in the town of Tuscaloosa, on the third Monday in October next, instead of the time prescribed in said act.

Approved June 29, 1837.

No. 6.] AN ACT

To empower the Judges of the County Courts to make partition of Lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Judges of the several county courts of this States, hall be vested with the same power, and shall exercise the same jurisdiction, which is now required by law to be exercised by the Judges of circuit courts in relation to partition of lands.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. Approved June 29, 1837.

No. 7.] AN ACT.

To alter and amend the patrol laws now in force in the counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter justices of the peace, in their respective beats, in the counties of Jackson, Marshall, DeKalb, Henry, Benton, Blount, StClair, Madison, Cherokee, Bibb, Marion, Covington, Dale, Morgan, Limestone, Lauderdale, Walker, Lawrence, Fayette and Talladega, shall be authorised and empowered, to organize and order out patrol detachments, only when in their opinion, the same may be necessary, and no other patrol duty shall be required by law in said counties, any law to the contrary notwithstanding: *Provided,* The said justices shall in no instance order the performance of more patrol duty than is now required by law.

Justices of the Peace to order out patrols in the several counties.

Sec. 2. *And be it further enacted,* That the third and sixth sections of an act, approved the first day of January, one thousand, eight hundred and thirty-six, entititled an act to regulate patrol detachments, and to enforce the performance of patrol dutyin this State, be and the same is hereby repealed, so far as relates to the counties mentioned in the first section of this act.

Approved June 29, 1837.

[No. 8.] AN ACT

To extend the powers of the Trustees of the University of Alabama, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Trustees of the University of Alabama, shall have full power and authority to reorganise the faculty of said University, and to establish the same upon such plan as to them may seem best calculated to promote the welfare and prosperity of said institution. Approved June 30, 1837.

No. 9.] AN ACT

To prevent the institution of illegal and oppressive suits in the United States Courts in this State.

Preamble

Whereas, it has become a common practice on notes and Bills of Exchange made payable to bearer, and on endorsements in Banks, to sue thereon in the United States Court in Mobile in the name of the pretended or fictitious bearer for the purpose of giving jurisdiction to said court contrary to the constitution of the United States, and all law and justice for remedy whereof, therefore:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of July next, all Bonds, Bills, or notes which shall be made payable to any person or persons, or bearer, or to any corporation or bearer, shall have the effect of creating an obligation, or liability, in favor of the corporation or person or persons only, to whom any such bond or note may be expressly made payable, and no one but such corporation or such person or persons, or their indorser or personal representative, shall have a right to maintain in his own name, an action upon any such Bond, Bill, or Note.

Persons to maintain actions.

Repeal.

Section 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Section 3. *Be it further enacted,* That when any citizen of this State shall institute a suit in any of the Federal Courts holden in this State against any other citizen in the name of a fictitious person or in the name of any person not having the legal interest in the cause of action on which said suit may be instituted, the person so sued shall have a right to sue for and recover, from the person so procuring such suit to be instituted, the amount which shall be recovered from the person so sued, together with all damages and costs which may be incurred thereon. And the Attorney who may have instituted the suit in the Federal Court shall be required to give testimony, and to disclose all facts which may have come to his knowledge in relation to the ownership of the cause of action instituted in the Federal Court, and likewise as to the residence of the plaintiff.

Attorneys required to give testimony.

Sec. 4. *And be it further enacted,* That hereafter it shall not be lawful for the keeper of the jail of any County in this State to receive into said jail or into his custody, as such jailer, any person arrested by a *Capias ad respondendum* or *Capias ad satisfaciendum* issued from any Court of the United States, and hereafter the right of the United States or any officer thereof to use the common jail of any county of this State, shall be confined exclusively to the imprisonment and safe keeping of criminals, who have committed, or who are charged with having committed, a crime against the United States. Approved June 30th 1837

[No. 10.] AN ACT

Authorising the Treasurer of the State to deposit the surplus revenue of the United States allotted to Alabama, in the Bank of the State and its Branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the

Treasurer of the State, to deposit in the Bank of the State and its several branches, all that portion of the public revenue of the United States, which he has received or which he may hereafter receive, as the portion of Alabama, in the following proportion: One fifth in the Bank of the State at Tuscaloosa, one fifth in the Branch Bank at Montgomery, one fifth in the Branch Bank at Mobile, one fifth in the Branch Bank at Decatur, and one fifth in the Branch Bank at Huntsville; taking therefor certificates of deposite, and all laws or parts of laws, contravening the provisions of this act, be and the same are hereby repealed: *Provided*, That the amount of the surplus revenue already received and which may hereafter be received, shall be deposited in said Bank and its Branches, in the above and foregoing proportions, on or before the first day of May next.

Treasurer to deposit the surplus revenue in the Bank and Branches.

Approved June 30, 1837.

No. 11.] AN ACT

To suppress the use of Bowie Knives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any person carrying any knife or weapon, known as Bowie Knives or Arkansaw Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie Knife or Arkansaw Tooth-pick, on a sudden rencounter, shall cut or stab another with such knife, by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought.

Penalty for carrying Bowie knives

Sec. 2. *And be it further enacted*, That for every such weapon, sold or given, or otherwise disposed of in this State, the person selling, giving or disposing of the same, shall pay a tax of one hundred dollars, to be paid into the county Treasury; and if any person so selling, giving or disposing of such weapon, shall fail to give in the same in his list of taxable property, he shall be subject to the pains and penalties of perjury.

Persons selling Bowie knives to be taxed.

Approved June 30, 1837.

[No. 12.] AN ACT

To enlarge the prison bounds in the different counties in this State:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several sections of an act passed in the year 1824, requiring the Judge of the county court and commissioners of roads and revenue, to mark and lay out the bounds of prisoners, be and the same is hereby repealed; and that from and after the passage of this act, the bounds of the different counties shall be the limits within which prisoners confined for debt shall be restricted, on entering into bond, as now required by law, to keep within the prison bounds; and hereafter the plaintiffs in suits shall not be compelled to pay the sustenance and support of prisoners who take the benefit of the bounds.

Prison bounds enlarged.

Approved June 30, 1837.

[No. 13.] AN ACT

For the relief of the purchasers of the Sixteenth Section, Township four, Range six, West, in the county of Lawrence and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Branch of the Bank of the

Further time allowed purchasers of 16th section for payment.

State of Alabama at Decatur, be and they are hereby required to grant the purchasers of the sixteenth section, of Township four, Range six, west, in the county of Lawrence, a postponement of two years, in the payment of all bonds given by said purchasers of said section, if the said postponement does not extend the payment of said bonds beyond the time at which the last instalment falls due, and if such postponement would delay the payment beyond said date, then the payments shall become due and payable when the last instalment does fall due, so that the whole debt shall be due and payable before or at the time when the last instalment now falls due: *Provided, however,* That interest upon said bonds, and each and every one of them, shall become due and be paid annually, at the time at which said bonds are now made due and paybale, and also that before the time at which the first series of said bonds shall become or would regularly fall due, the securities of said purchasers aforesaid, shall file with the Cashier of the Branch Bank at Decatur, their assent in writing, to the postponement of payment above granted.

Proviso.

Sec. 2. *And be it further enacted,* That when any payment shall fall due, for any other sixteenth section in said county of Lawrence, it shall be the duty of said President and Directors, on the application of the makers of the notes so falling due, to give a like extension of time for payment: *Provided,* satisfactory evidence is given to said Board, that said debts are well secured; and when that is not the case, the debtors to any of said sixteenth sections, may have the right to give additional and satisfactory security, and obtain the indulgence hereby granted.

Purchasers to give additional securities.

Sec. 3. *And be it further enacted,* That the purchasers of sixteenth sections in the counties of Franklin and Morgan, shall be entitled to the benefit of the provisions of this act.

Approved June 30, 1837.

[No. 14.]

AN ACT

To amend an act entitled an act to establish a Branch of the Bank of the State of Alabama at Huntsville, in the county of Madison, and to increase the capital stock of the Branch of the Bank of the State of Alabama at Decatur, passed January 10, 1835.

President to bring suit after 30 days notice.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for all debts and sums of money due and owing to the Branch of the Bank of the State of Alabama at Huntsville, whether by bond, note, bill of exchange or otherwise, it shall be lawful for the President of said Branch Bank at Huntsville, after having given thirty days notice thereof to move the circuit or county court of Madison county, for judgment against all or any of the persons so indebted to the Branch Bank aforesaid.

President to produce certificate that the debt is bona fide proporty of the Banks

Sec. 2. *And be it further enacted,* That in all cases of motion before judgment, it shall be the duty of the President of the said Branch Bank at Huntsville, to produce in court his certificate that the debt for which judgment is sought, is really and *bona fide,* the property of said Branch Bank.

Sec. 3. *And be it further enacted,* That it shall be the duty of the court before whom motion is made, to give judgment according to the right of the case, allowing juries when the same may be necessary.

Approved June 30, 1837.

[No. 15.] AN ACT

To regulate the commencement and prosecution of suits in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly Convened*, That the Bank of the State of Alabama and its Branches; shall be authorised andswhen the same can be done conveniently,are required to commence and prosecute all suits against the drawers and endorsers of every Bill of exchange and of every promisory note jointly, that may be due and owing the said banks, and judgement shall be given against the parties thereto, jointly, and a joint execution shall issue against the said parties; *Provided*, that the provisions of this act shall not prevent the said parties from making their defence by separate plea, nor with the liabilities of the several parties to each other. And, *Provided further*, that it shall be the duty of the clerk of the court, to endorse upon the execution which party is drawer, first, second, third or other endorser, and that the monies shall be collected out of the party first liable.

Banks to commence suit.

Proviso.

Approved, June 30, 1837.

[No. 16.] AN ACT

To extend the time of Indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of Specie payments of the same, and for other purposes."

WHEREAS, the Bank of the State of Alabama and its several Branches have recently suspended Specie payments; and whereas it is believed said suspension has been produced by causes beyond the control of the President and Directors of said Banks, in the exercise of ordinary prudence and caution.

Preamble.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That said suspension is hereby approved of and sanctioned, and that any and every provision of law now in force, requiring or authorizing proceedings against such Banks, with a view to the forfeiture of their charters, or by which forfeitures and penalties have been incurred by them, be and the same are hereby declared inoperative for those purposes; and that the said charters remain in full force and effect notwithstanding such suspension. *Provided*, that the bills, notes, and obligations of said banks, shall be receivable as heretofore at the treasury of this State and of the several counties, in payment of fines and forfeitures accruing, notwithstanding such suspension.

Suspension of specie payments approved.

SEC. 2. *And be it further enacted*, That all debts now due to said Banks, or which may be running to maturity in the same, either by bills of exchange, or promissory notes or judgments shall be divided into three annual instalments, to wit: one of twenty-five per cent. to become payable during the months of March, April May or June next; one of thirty-seven and a half per cent to become due and payable during the months of March, April, May or June in the year one thousand eight hundred and thirty-nine; and one for thirty-seven and a half per cent. to become due and payable during the months of March, April, May, or June, in the year one thousand eight hundred and forty, and the interest, calculated at eight per cent upon the whole debt up to the time, when each instalment shall become due, or each instalment shall be paid in the same manner of

Debts due the banks divided into three instalments.

Interest.

each and every instalments, *Provided*, That every debtor of the
Proviso. bank, obtaining such extension to the amount of two thousand dollars, shall be prevented from obtaining any loan on accommodation notes, until the whole of said debt shall be discharged: And any person having his debt for a less sum than two thousand dollars, extended under the provisions of this section, shall be allowed to apply for accommodation equal to the difference between his debt and two thousand dollars: And, *Provided*, That in all cases of an extension, it shall be the duty of the Directors of said Banks, to take a new note, with a good personal security, by way of mortgage or
Security. deed of trust upon real or personal property, or both, as they may think best, which security may be changed, renewed or increased, if required by any of said banks, once a year or oftener if necessary, so as to secure the ultimate and punctual payment of said debt: And
Bills of exchange. *Provided further*, That the debt due to said banks, or which may be running to maturity, in said banks upon foreign bills of exchange, (always excepting bills of exchange upon New Orleans,) shall not fall within any of the before mentioned provisions of this section; but where such bills may have been, or shall be protested, the said banks are hereby authorised and empowered to make such arrangements with the parties thereto, or afford such extension, and take
Banks authorized to make additional rules. such security as will best comport with the interest and welfare of said banks; and the said banks are hereby further authorised and empowered to make any additional rules and regulations in relation to the debts first provided for in this section, not herein contained.

Suspension by Planters' and Merchants' Bank of Mobile approved
SEC. 3. *And be it further enacted*, That the recent suspension of Specie payments by the bank of Mobile and the Planters' and Merchants' bank of Mobile be, and the same is hereby approved and sanctioned until the fifteenth day of June, one thousand eight hundred and forty: *Provided*, said banks comply with all the provisions of this Act, and with such other Acts or parts of Acts, which
Proviso. may be passed at the present session of the Legislature, which relates to debtors to the Bank of the State of Alabama and its several Branches, and such other Acts, or parts of Acts, as may be passed at the present session of the Legislature, in relation to their Charter: and *Provided*, also, should the condition of the country enable the Bank of the State of Alabama and its several Branches to resume Specie
Banks to resume specie payment. payments at an earlier day than the fifteenth day of June, one thousand eight hundred and forty, and six monts' notice being given by the President of the same, setting forth the intention of said bank and its branches so to resume Specie payments on a certain day therein specified, then, and in that case, the bank of Mobile and the Planters' and Merchants' bank are hereby required in like manner to resume the payment of Specie, on the day set apart in said notice. And upon failure or refusal of either of the said banks to comply with the provisions of this Act, and to resume the payment of Spe-
Penalty for failing to resume paym't. cie as aforesaid, the Charter of the Bank so failing or refusing, shall be and the same is hereby declared forfeited, and shall cease to exist for any other purposes except in winding up its affairs.

Small notes to be withdrawn from circulation.
SEC. 4. *And be it further enacted*, That the said bank of Mobile shall withdraw from circulation, as soon as it resumes specie payments all its notes under the denomination of five dollars; and

that it shall not thereafter execute, emit, or circulate any note, bill or other obligation of its own, of a less denomination than five dollars.

Sec. 5. *And be it further enacted*, That each of said individual banks shall file in the executive office, within six months from the passage of this act, written evidence, satisfactory to the Governor of the approval and acceptance by a majority of the stockholders of said banks respectively of this act, as a part of their several Charters so far as applicable to them. Banks to file consent.

Sec. 6. *And be it further enacted*, That if either of said individual banks shall fail to file consent as aforesaid, it shall be the duty of the Governor to cause a *quo warranto* to be instituted against the bank so failing; and upon its being judicially ascertained that such Bank has at any time previous to the passage of this act, suspended specie payment as aforesaid, the Court having jurisdiction of the case shall adjudge the charter of said Bank forfeited, and shall enjoin its further exercise of banking privileges under its charter, except so far as may be necessary to wind up the affairs of said institution. Penalty of failure to file consent.

Sec. 7. *And be it further enacted*, That the stockholders of said banks shall, within twelve months from the date of this act, pay the amount that shall be due upon their subscriptions, or the same shall be forfeited with all partial payments thereon, and the same shall be incorporated with the funds of the bank: *Provided*, That each stockholder may relinquish any part of their stock, by applying all partial payments to the completion of payments on that part of the same that shall not be relinquished. Stockholders to pay amount due on subscriptions. Proviso.

Sec. 8. *And be it further enacted*, That the President and Directors of the Bank of the State of Alabama and its several branches be, and they are hereby, authorised to appoint such agents as they may deem necessary to enable them to comply with the provisions of the second section of this act, and to pay a reasonable compensation for the services of the same. Banks authorised to appoint agents.

Sec. 9. *And be it further enacted*, That the President and Directors of the Bank of the State of Alabama and its several branches be, and they are hereby, authorised to remit the damages on all Bills of Exchange drawn by citizens of this State in good faith, whether payable in this State or New Orleans, which have been purchased by either of the aforesaid banks, as well on bills already protested since the first day of December last, and remaining unpaid, as on those running to maturity. *Provided*, The parties pay the principal cost and interest, or secure the debt satisfactorily to the Board of Directors, and pay the same in instalments, agreeable to the second section of this act; and all those having paid damages on any such bills purchased and protested as aforesaid, shall have the same refunded; or if indebted to the bank, credit shall be given on his or her, or either, note or bill. Damages authorised to be remitted on domestic bills of exchange. Proviso. Damages to be refunded.

Sec. 10. *And be it further enacted*, That the President and Board of Directors of the Bank of the State of Alabama and its several branches shall have power to remit damages on Foreign Bills of Exchange, purchased by them since the first day of January last, if they are satisfied that the bills have been drawn in good faith, and have been protested from causes beyond the control of the parties Damages remitted on foreign bills of exchange.

thereto: *Provided*, the parties pay the principal, interests and costs; and, in the event of their inability to do so in money, then, and in that case, the several Boards of Directors shall have power to grant such extension of time as they, in their judgment, may think proper, taking good and satisfactory security for the punctual and ultimate payment of the debt so extended.

Proviso.

Sec. 11. *And be it further enacted*, That nothing in this act shall be so construed as to prohibit the President and Directors from purchasing Bills of Exchange, and in all cases the bank in their future loans shall give a preference to those applicants who have previously had no accommodation, or have paid their dues to the bank.

Banks may continue to purchase bills &c.

Sec. 12. *And be it further enacted*, That it shall be made the duty of the board of Directors of the several banks to give notice in one or more newspapers, published in the place where the bank is located, that those indebted may avail themselves of the benefit of this act, if they should think proper so to do; and failing to do so in a reasonable time, the provisions of this act shall not be so construed as to prevent the several banks from collecting their debts, as authorised by their respective charters: *And provided also*, That nothing herein contained shall be so construed as to divest the President and Directors of the said several boards of power to remit damages in all cases of doubtful or suspended debts, when in their opinion the same may be expedient or proper, and at the same time granting extension to all such debts, upon satisfactory security being given.

Banks to give notice.

Proviso.

Sec. 13. *And be it further enacted*, That before the first day of July, A. D. one thousand, eight hundred and thirty-eight, that the said banks, and the Bank of Mobile, and the Planters and Merchants bank of Mobile, shall severally procure in specie, one eighth part of the capital upon which they shall do business, and that the same shall be deposited in the vaults of said banks; and before the first day of July, A. D. one thousand eight hundred and thirty-nine, the said several banks shall obtain and have in specie in their vaults, one eighth part of the capital stock of said banks; and before the first day of July, A. D. one thousand, eight hundred and forty, that the said banks and branch banks, and the bank of Mobile, and the Planters and Merchants bank of Mobile, shall own and have deposited in their vaults, one fifth part of the capital stock of the said Institutions, in specie; and before the first day of July, A. D. one thousand, eight hundred and forty-one, that the said bank and its branches, and the bank of Mobile, and the Planters and Merchants bank of Mobile, shall own and have deposited in specie in their vaults, one fourth part of the capital stock of the said institutions, and the said banks and branch banks, and the bank of Mobile, and the Planters and Merchants bank of Mobile, are hereby required to keep on hand as nearly as possible the amounts herein before specified, after the times before mentioned, and when the same shall be drawn from the said banks, it shall be the duty of the President and Directors of the several banks aforesaid, to replenish their supply; so that the said Institutions may constantly maintain the said amounts of specie herein specified: *Provided*, That the debts and liabilities of said Institution, shall in no case exceed double the amount of the capital stock of said Institutions, over and above the monies actually deposited for safe keeping.

Banks to procure specie.

Proviso.

Banks to sell stock.

Sec. 14. *And be it further enacted*, That where stock shall have been created under the acts of any previous Legislature, and the same shall not have been disposed of, for the purpose of enlarging the capitals of any of the banks of the State, the President and Directors of said institution, or other agents heretofore appointed shall have the power to sell the same: *Provided*, That a greater rate of interest, shall not be incurred by such sale than six per cent. per annum: and upon any such sale one fourth of the proceeds shall be vested in specie, and the same shall be deposited in the vaults of such banks.

Proviso.

Interest not to exceed six per cent.

Governor &c. to issue State Bonds.

Sec. 15. *And be it further enacted*, That it shall be the duty of the Governor, Comptroller of Public Accounts, State Treasurer, and the President of the Bank of the State as early as practicable to cause to be issued in the usual form five millions of dollars in State bonds, in sums of $500 or $1000, leaving the date thereof blank, to be filled when disposed of, which bonds shall bear an interest of six per cent. per annum, and be due and redeemable at the pleasure of the State, at any time after two, four and six years, in equal proportions of each, and the interest shall be payable annually in New York or such other place or places as the parties herein empowered to sell said bonds may agree upon.

Bonds to be deposited.

Sec. 16. *And be it further enacted*, That the said bonds shall be deposited in the several banks of this State, in the following proportion, viz: The sum of one million of dollars shall be deposited in the Bank of the State of Alabama at Tuscaloosa; the sum of one million shall be deposited in the branch of the Bank of the State of Alabama at Huntsville; the sum of one million in the branch Bank at Decatur; the sum of one million in the branch Bank at Mobile, and the sum of one million in the branch bank at Montgomery.

Banks to sell Bonds.

Sec. 17. *And be it further enacted*, That the President and Directors of the said bank and branch banks shall be, and they are hereby authorised whenever the same can be done, at or above par, to sell said bonds so deposited, either in the United States or Europe, the one half to be paid in specie, and be deposited in the banks, in aid of their capital, and the other half sold for funds equivalent to specie, and be deposited in solvent banks in the city of New York, as a specie fund, subject to the drafts of such bank, for whose benefit such bonds were sold, in aid of their banking capital, also: *Provided further*, That if the said bonds shall not be sold in eighteen months, and the issues shall be made thereon, it shall be lawful for the said banks to sell the same at their par value, or at a higher rate, if possible, for the purpose of redeeming its circulation and for that purpose, to appoint an agent who shall therefor receive suitable compensation.

Proviso.

Banks to issue bills.

Sec. 18. *And be it further enacted*, That the President and Directors of said Bank and Branch Banks respectively, are hereby authorised to issue and keep in circulation the Bills or Notes of said Bank and Branch Banks, to an amount not exceeding the amount of capital stock of said bank and branches, including the bonds hereby authorised to be issued.

Loans to be made according to population.

Sec. 19. *And be it further enacted*, That in the apportionment of loans under this act, regard shall be had to the population of the several counties, as shall be determined by the votes at the next

general election: *Provided*, That if the amount allotted to any one county shall not be applied for by citizens of such county, within a reasonable time, the excess, over and above the amount of such application, shall be appropriated to accommodate the applications from those counties whose distributive shares may be insufficient to supply the amount applied for from said connties.

Banks to discount transaction notes.

Sec. 20. *And be it further enacted*, That the President and Directors of said Bank and branches are hereby authorised to discount business, or transaction notes in payment of all debts now due or which may fall due before the first day of March next, to said banks, when in their judgment the same may be for the interest of said banks; *Provided*, That the parties indebted upon said business paper, or transaction notes, shall be entitled to the privileges granted to debtors, in the second section of this act, upon complying with the provisions therein contained.

Banks loans not to exceed $2000.

Sec. 21. *And be it further enacted*, That the President and Directors of the said bank and branch banks are hereby authorised and required to lend the amount to be issued on the bonds heretofore provided for in this act, to individuals, in sums not exceeding two thousand dollars, to any one person, at an interest of seven per cent per annum, upon the parties so applying, giving notes payable in one, two and three years, with at least two good and sufficient securities, and deed of trust upon real estate or slaves, whenever the same may be required by the President and Directors of said Banks respectively: *Provided*, That the discounts hereby authorised, shall not be granted to any person or persons, who may have availed themselves of the provisions of extension provided for in the second section of this act, and whose debt to said Bank or Branch Banks shall not have been paid in full at the time of said application.

redemption of Bonds.

Section 22. *And be it further enacted*, That the annual payments by the borrowers, under the ——— section of this act, shall be applied by the President and Directors of the respective banks, to the redemption of the bonds herein provided to be issued; which said bonds, when so redeemed, shall be cancelled and returned to the President of the Bank of the State of Alabama, and the said President and Directors of the said Bank and Branch Banks, are hereby respectively required to make full provision for the payment of the annual interest on said bonds, at the time the same may become due, and after the redemption of the said bonds, by the application of the payments as aforesaid, or after the same shall be applied to the redemption of the bills of the bank aforesaid, they shall no longer form the basis of circulation, and the said banks shall regulate their issues accordingly.

Faith of the State pledged

Section 23. *And be it further enacted*, That the faith and credit of this State, together with the monies, debts and liabilities arising from the loans of the ——— section of this act, shall be and the same are hereby pledged for the increased issues of the said bank and branch banks, and for the redemption of said bonds.

Banks may demand additional security.

Section 24. *And be it further enacted*, That upon all loans made under this act, or upon any debt that may be suspended, the different banks shall have the right, whenever the interest of said banks may require it, to demand new or additional security, and if any

debtor shall fail or refuse to give the same, they may proceed to collect the whole of such loan.

Items of expense

Section 25. *And be it further enacted*, That it shall be the duty of the President and Directors annually, in making up statements of the expense account, to furnish the items of the expense incurred at the above banks respectively, subject to the inspection of the General Assembly.

Mortgage to contain power of sale

Section 26. *And be it further enacted*, That every mortgage taken under this act shall contain a power of sale; and if any person who shall borrow any sum or sums under this act, shall fail to make payment of any instalment thereon when it shall become due, the whole of the sum or sums so borrowed, or the entire balance remaining unpaid, shall become due, and the President of the proper Bank shall at once proceed to collect the same.

Banks to collect by summary remedy

Section 27. *And be it further enacted*, That if any person shall become indebted to any of said institutions by bill, bond, note or other contract for the payment of money, and shall delay payment thereof the said banks may sue for and collect the same by summary remedy, as in other cases under the charter of said banks.

Approved, June 30, 1837.

PRIVATE AND LOCAL LAWS.

No. 1.] AN ACT

To appoint an additional Surveyor in the County of Henry.

Surveyor to be appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Judge and Commissioners of Roads and Revenue for the county of Henry, be, and they are hereby authorised and required to appoint an additional Surveyor for the county of Henry; and who shall be governed by the same laws and regulations as now provided for the regulation of County Surveyors.

Approved, June 22nd, 1837.

[No. 2.] AN ACT

To be entitled "An act to incorporate the Springfield Male and Female Academy.

Springfield Academy incorporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Academy at Springfield, Greene county, known by the name of the Springfield Male and Female Academy, shall be known and called by that name, and that Zachariah Meriwether, Jr. James Mitchell, Frederick Meriwether, Lewis B. Childs, Willis Meriwether, Thomas Wolstenholme and Alvis Riddle, and their successors in office, be, and they are hereby, declared to be a body politic and corporate, by the name and style of the Springfield Male and Female Academy, and as such shall be capable and liable in law to sue and be sued, to plead and be impleaded, and shall be authorised to make such by-laws and regulations as shall be necessary for the government of said Academy: *Provided*, such by-laws and regulations are not repugnant to the

Proviso.

Constitution and laws of this State, and for that purpose may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Trustees may hold property

Sec. 2. *And be it further enacted,* That the Trustees aforesaid shall be capable of accepting and being invested with all manner of property, both real and personal, all donations, gifts, and immunities whatsoever, which may belong and appertain to said institution, or which may hereafter be conveyed or transferred to them, or to their successors in office, to have and to hold the same for the proper use and benefit of said Academy.

Vacancies how filled.

Sec. 3. *And be it further enacted,* That when any vacancy may occur by death, resignation or otherwise, of any of the Trustees of said Academy, the survivors or remaining Trustees shall fill such vacancy, in such manner as shall be pointed out by the by-laws and regulations of said Incorporation.

Property exempt from taxation.

Sec. 4. *And be it further enacted,* That all property owned by the Trustees for the benefit of said Academy, not exceeding in value twenty thousand dollars, shall be free from taxation.

Approved, 22d June, 1837.

No. 3.] AN ACT

To divorce Polly Berry Dunbar from her husband, John Dunbar.

Section. 1. *Be it enacted by the Senate and House of Representativs of the State of Alabama in General Assembly convened,* That in accordance with a decree of the Circuit Court of the county of Washington, exercising Chancery jurisdiction, pronounced and entered at the fall term of said county, in the year 1836, the bans of matrimony heretofore solemnized and subsisting between Polly Berry Dunbar and John Dunbar, be, and the same are hereby dissolved and made void: and that the said Polly Berry Dunbar be henceforth divorced from her said husband John Dunbar. Approved, June 22nd, 1837.

No. 4.] AN ACT

To authorise the citizens of Cahawba to elect a Constable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the citizens of the town of Cahawba shall have power to elect a Constable, who shall have the powers of any Constable in the county of Dallas; and who shall give bond, take the same oaths, and be subject to the same liabilities in every respect as other Constables of this State. Approved, June 24th, 1837.

[No. 5.] AN ACT

To be entitled an Act to authorise James Crutcher and his associates to open and turnpike a road therein named.

To open and turnpike a road.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Crutcher and his associates be, and they are hereby authorized and empowered to lay out, open and turnpike a road, to begin at the house of the widow Gillespie, near the Village Springs, in Blount county, and run the most suituable route for public convenience, from said place of beginning, in a directien for Gunter's Landing, in Marshall county, till it intersects the turnpike road of George S. Massey, or to strike the Tennessee river at or near Gunter's Landing.

Sec. 2. *And be it further enacted*, That the aforesaid road shall be opened eighteen feet wide, twelve feet of which shall be cleared of every obstruction, stumps, grubs, &c. to be taken up or cut level with the ground; sloping ground and the banks of water courses shall be so worked on, so as to admit the easy passage of all kinds of carriages; and all marshes and swamps shall be causewayed twelve feet wide, with good and durable materials.

Road to be 18 feet wide.

Marshes and swamps to be causewayed.

Sec. 3. *And be it further enacted*, That when the said James Crutcher and his associates shall have completed said road, and reported the same to the Judge of the county court, for Marshall county, it shall be the duty of said Judge to appoint three suitable persons, (two of whom shall be competent to act,) to examine said road, and report to said Judge, whether or not said road is completed in accordance with the provisions of the second section of this act; and said commissioners shall receive for their services, such compensation as the said Judge shall allow, to be paid by the said James Crutcher and his associates.

Commissioners appointed

Sec. 4. *And be it further enacted*, That should the aforesaid commissioners report to the aforesaid Judge, that said road has been opened and cleared out, and is in as good order as is contemplated in the second section of this act; then and in that case, the aforesaid James Crutcher and his associates, are hereby authorised to erect two gates on said road, at such place as he or they may think proper, (provided the same shall not be erected within two miles of Gunter's Landing) at which gates they may demand and receive of every person or persons, passing through said gate or gates, the following rates of toll, to wit: for every four wheel carriage drawn by four or more horses, mules or oxen, fifty cents each; for all carriages of every kind, drawn by less than four horses, mules or oxen, thirty seven and a half cents each; for every man and horse, twelve and a half cents; for every loose or led horse or mule, six and a fourth cents each; for every head of cattle, three cents each; for every head of hogs, sheep or goats, two cents each: *Provided*, that if the said James Crutcher and his associates, may choose to erect only one gate on said road, then, and in that case, they may charge double the amount of the above rates of toll, at said gate; and if any person or persons shall pass around said gate or gates, with an intent to avoid paying toll, shall for every such offence, forfeit and pay four fold toll, together with all costs of suit, recoverable before any court having jurisdiction thereof.

To erect toll gates.

Rates of toll.

Sec. 5. *And be it further enacted*, That on application by any two or more citizens, to either of the Judges of the county courts of Blount or Marshall counties, it shall be the duty of said Judge, to direct three suitable persons, (two of whom shall be competent to act) to proceed to examine said road, and report the condition of the same to said Judge; and in case they report said road is not in good order, then the said Judge shall direct the said gate or gates, on said road, to be thrown open, and no toll shall be received at the same, until the said road shall have been repaired and put in as good order as is contemplated by this act, and examined and reported as before provided for.

Com. appointed to examine the road.

Sec. 6. *And be it further enacted*, That the said James Crutch-

Road to be commenced within 1 year.

er and his associates, or their successors, shall commence said road within one year, and complete the same within three years from the passage of this act, or forfeit this charter, and shall have the right to receive toll on the same for fifteen years from the time the same shall be completed: *Provided*, that the citizens of Blount and Marshall counties shall be exempted from paying toll at either of the gates on said road, except when they travel the whole distance of said road with road wagons.

Proviso.

Approved, June 24th, 1837.

[No. 6.] AN ACT

To locate the seat of Justice of Cherokee County and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the seat of justice for the county of Cherokee, be and the same is hereby located at the Cedar Bluff, below William Woodley's Ferry, on the Coosa river, there to remain unless otherwise directed by law; and that all writs or process of any kind whatever, that are now returnable to the place of holding courts for said county be, and the same are hereby made returnable to the Cedar Bluff.

County seat located at Cedar Bluff.

Sec. 2. *And be it further enacted*, That Z. McKraken, J. J. Humphries, B. B. Thompson, A. S. Copeland, John C. Rhea, Henry L. Smith and John M. Hendricks, be, and they are hereby appointed commissioners, to lay off the town into lots, and provide for and superintend the public buildings of said county.

Commissioners appointed

Approved, June 24th, 1837.

[No. 7.] AN ACT

To amend the Charter of the Gainesville and Narkeeta Rail Road Company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That said Rail Road Company be, and it is hereby allowed two years in addition to the time named by said charter, for the commencement of said road.

Allowed two years time.

Approved, June 26th, 1837.

[No. 8.] AN ACT

For the relief of Wm. H. Arthur, late Quarter Master of General Moore, in the Creek service.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of twelve hundred and thirty-seven dollars and twenty nine cents be, and the same is hereby allowed to Major William Henry Arthur, being the ballance due him for monies expended in the Creek service; and that the same be paid out of any monies in the Treasury, not otherwise appropriated.

Appropriations.

Approved, June 26th, 1837.

[No. 9.] AN ACT

To incorporate the Jacksonville Female Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Wm. Arnold, Charles Lewis, Wm B. Martin, C. A. Green, Jacob Forney, E. L. Woodward, John Pope, B. Hollingsworth, and their successors in office, shall be, and they are hereby establish-

Company incorporated.

ed a body corporate, by the name and style of the President and Trustees of the Jacksonville Female Academy; and by that name shall have power to receive donations, borrow money, purchase, have and hold real estate in perpetuity, and sell the same, to sue and be sued, plead and be impleaded, and to recover all debts that may become due, owing or belonging to said institution, as the property thereof.

Sec. 2. *And be it further enacted*, That the above named trustees, shall have power to appoint a President, Secretary and Treasurer, and such other directors or visitors as they may deem necessary or expedient, for the good government or well being of the said institution, and to prescribe the duties of each; to grant such rewards, or confer such honors on graduates as to them may seem expedient. Trustees to appoint a President.

Sec. 3. *And be it further enacted*, That vacancies which may occur in this board of trustees, from any cause, shall be filled by the remaining part of trustees. Approved, June 28th, 1837. Vacancies how filled.

No. 10.] AN ACT

To compensate officers therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of four hundred and fifty dollars each, be, and the same is appropriated to the Comptroller of Public Accounts and the Treasurer of the State, for extra duties and services performed by them the present year; and that the Comptroller be, and he is hereby authorised to draw his warrant therefor on the Treasury, payable out of any money not otherwise appropriated: *Provided*, That no further allowance shall be made to either of the officers for extra services or clerk hire, during the present year. Approved, June 28th, 1837. Comptroller & Treasurer allowed $450 each. Proviso.

No. 11] AN ACT

To incorporate the Freedomina Male Academy in the county of Chambers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and immediately after the passage of this act, that the Academy now erected in the town of Freedonia, in the county of Chambers, shall be known as the Freedonia Male Academy, and that John A. Hurst, Farr H. Trammell, William W. Carlisle, William McCane, Jordan Thornton, and their successors in office be, and they are hereby declared a body politic and corporate, by the name of the Freedonia Male Academy, and as such, shall be capable and liable in law to sue and be sued, to plead and be impleaded, and shall be authorised to make such laws and regulations as may be necessary for the government of said institution: *Provided*, that such by-laws and regulations shall not be repugnant to the laws and constitution of this State, and that they may have and use a common seal, appoint such officers as they may think proper, and remove the same for improper conduct or neglect of duty. Company incorporate.

Sec. 2. *And be it further enacted*, That the said trustees shall be capable of accepting and being invested with all manner of property, real and personal, all gifts, donations, grants and privileges, and immunities whatsoever, which may belong to said institution, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the proper use and benefit of said Academy. Approved, June 29th, 1837 Allowed to hold real estate.

[No. 12.] AN ACT

To alter the time of holding the Circuit Court of Madison county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the terms of the circuit court of Madison county, shall commence and be held on the fourth Mondays in October and April in every year, and shall continue until the business shall be disposed of.

Time of holding courts changed.

Sec. 2. *And be it further enacted,* That all writs and other process, civil and criminal, heretofore issued, or which may hereafter issue, returnable to the said court, on the third Monday in October next, shall be returnable on the fourth Monday in said month, in the same manner as if so issued.

Return of process.

Approved, June 29th, 1837.

No. 13] AN ACT

To compensate G. W. Stratham for apprehending Wm. McGrew, indicted for murder.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of four hundred dollars be, and the same is hereby allowed to George W. Stratham, for apprehending and delivering to the Sheriff of Mobile county, William McGrew, indicted for murder in Sumter county; and that the same be paid out of any monies in the treasury not otherwise appropriated.

Approved, June 29th, 1837.

No. 14.] AN ACT

To authorise the building of a bridge across Flint River, in Madison county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court and Commissioners of Roads and Revenue of the county of Madison, and their successors in office be, and they are hereby authorised, wherever they may deem it expedient, after the first day of January next, to levy and collect a special tax, not in any one year to exceed thirty per cent. on the present year's taxes in said county, and to continue the same from year to year until the fund arising thereby shall be sufficient to defray all the expenses incurred in building a bridge across the three forks of Flint river, where the main stage road crosses said river, leading from Huntsville to Winchester, Tennessee: *Provided,* that the amount to be raised shall not exceed in the whole, ten thousand dollars.

Judge and coms. to levy a tax.

Sec. 2. *And be it further enacted,* That the Judge and Commissioners aforesaid be, and they are hereby authorised to contract in such manner as they may deem proper, for the erection of said bridge.

To contract for building.

Approved, June 29th, 1837.

No. 15.] AN ACT

For the relief of the purchasers of the University land.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the last instalment now due by the purchasers of the University lands of the State of Alabama, or that may hereafter fall due, may and shall be divided into two equal annual instalments; the first half shall fall due twelve months from and after the passage of this act, and the other half, twelve months thereafter, to be secured by note

Payment of dues suspended.

with two good securities, to be approved by the agent of said University, bearing interest at the rate of six per cent per annum, from their date, payable and negotiable at the Bank of the State of Alabama.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contrary to the provisions of this act, are hereby repealed.

Approved, June 29th, 1837.

[No. 16.] AN ACT

To compensate Ferguson & Eaton for printing done at the Called Session of the Legislature and for other purposes

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of twenty-five hundred dollars be, and the same is hereby appropriated to Ferguson and Eaton, for printing done for both branches of the Legislature of this State, and for printing and distributing the acts and journals of the present called Session, to be paid out of any money in the treasury not otherwise appropriated, one thousand dollars to be paid to the said Ferguson and Eaton immediately after the passage of this act; and the remaining fifteen hundred dollars on their producing the certificate of the Secretary of State to the Comptroller of Public Accounts, that they have printed and distributed the quantity of the acts and journals to each county as is required by law, on which certificate the Comptroller of Public Accounts shall issue his warrant on the State Treasury in their favor, for the amount above specified. Appropriation.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said Ferguson and Eaton, to print all such matters as shall be required of them by both branches of the General Assembly during its present session, and to print and distribute the acts and journals thereof, agreeable to the existing laws on that subject.

Approved, June 29th, 1837.

[No. 17.] AN ACT

To incorporate the Arcola Male and Female Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel Strudwick, John McRae, Charles D. Connor, Frederick P. Ravisee, Jesse Croom and William L. Hoskins, and their successors in office, shall be, and are hereby declared and created a body corporate and politic in law, by the name and style of the Trustees of the Arcola Male and Female Academy, and by that name shall be able and capable in law to sue and be sued, plead and be impleaded, and shall have power to borrow money, receive donations, purchase and sell, have and hold real estate or other property in perpetuity: *Provided*, They shall not own at any one time, more than twenty-five thousand dollars in value of real estate. Company incorporated.

Sec. 2. *And be it further enacted*, That said body corporate, or a majority of the members composing the same, shall have power to pass all such rules and regulations and by-laws as shall be deemed advisable by them for the good government of the institution, and shall have power to appoint a President, Secretary and Treasurer, as well as other necessary officers; the President to be selected from among the Board of Trustees; said officers to be elected on the first Company to pass by-laws.

Monday in September next, and annually thereafter; to have and use a common seal, and the same to alter at pleasure.

Vacancies how filled.

Sec. 3. *And be it further enacted*, That whenever any vacancy shall happen in the Board of Trustees hereby created, by death, resignation or otherwise, the same shall be filled by the remaining trustees, or a majority of them.

Property exempt from taxation.

Sec. 4. *And be it further enacted*, That all property owned by said corporation shall be exempt from any taxes whatever.

Approved, June 29th, 1837.

[No. 18.] AN ACT

To revive the law incorporating the town of Russellville, in the county of Frank[illegible]

Act of incorporation revived.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act passed on the 27th November, 1819, incorporating the town of Russelville, the same is hereby revived, and that an election shall be held on the first Monday in August next, by any justice of the peace of said county, and two freeholders of said town, for all the officers authorsed by said act of incorporation for the government of said town, and that said officers when elected, shall hold their appointments for twelve months, and until their successors are qualified

Election officers

Sec. 2. *And be it further enacted*, That on the first Monday in August, in each subsequent year, a similar election shall take place under the inspection of two of the trustees then in office, but a failure to elect, shall not be a forfeiture of this charter, but said trustees may elect on any subsequent day, by giving five days notice of the time and place of holding said election.

Approved, June 29th, 1837.

No. 19.] AN ACT

To authorise John Anderton and associates to build a toll bridge across Big Warrior river, in the county of Blount.

To build a bridge across Black warrior in Blount c'ty

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Anderton and his associates, and they are hereby authorised to build a toll bridge across the Big Warrior river, where the Tuscaloosa road now crosses the same: *Provided*, said bridge do not obstruct the present ford of said river, or the present bridge on the same.

Rates of toll.

Sec. 2. *And be it further enacted*, That the said John Anderton and his associates be, and they are hereby authorised to take and receive the following rates of toll, viz: For every four wheeled pleasure carriage seventy-five cents; for every two wheeled pleasure carriage, thirty-seven and a half cents; for every wagon and team, seventy-five cents; for every cart, thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every foot passenger, six and a fourth cents; for every head of loose horse or horses, four cents; for every head of cattle, two cents; for every head of hogs and sheep, one cent.

Liable for damages.

Sec. 3. *And be it further enacted*, That the said John Anderton and his associates, shall forfeit and pay such fine or sum as may be recovered before any Justice of the Peace, or Judge of the County or Circuit Court, having cognisance of the same, for all damages that may be done to any passenger or passengers or their property,

in crossing the said bridge, if occasioned by neglect on the part of the proprietors of said bridge.

Sec. 4. *And be it further enacted*, That the said John Anderton and his associates shall commence the construction of said bridge within three months after the approval of this act, and complete the same within one year, and shall have and enjoy the same for the period of fifteen years, or during the continuance of said bridge in good repair, any law, usage or custom, to the contrary notwithstanding. Approved, June 29th, 1837.

Work to be commenced.

[No. 20.] AN ACT

To authorise the citizens of the town of Rockford, in the county of Coosa to elect a Justice of the Peace and Constable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the citizens of the town of Rockford, in the county of Coosa, be, and they are hereby authorised to elect a Justice of the Peace and a Constable, for the convenience of said citizens, and that said Justice of the Peace and Constable shall in every respect be liable to the laws of this State now in force, in relation to Justices of the Peace and Constables.

To elect Justice of the Peace and Constable.

Section 2. *And be it further enacted*, That the commanding officer in the beat in which said town is situated, shall as soon as practicable, after the passage of this act, open and hold an election at some convenient place in said town, for the purpose of electing said officers, first giving the notice required by law, and otherwise conduct said election agreeable to law, and the officers so elected shall hold their offices until the next general election for Justices of the Peace and Constables throughout the State, and until their successors are elected and qualified.

To hold an election.

Sec 3. *And be it further enacted*, That at the next general election for Justices of the Peace and Constables, the commanding officer in said beat, or some person by him appointed, shall open and hold an election in said town, for the officers aforesaid, and at every general election for Justices of the Peace and Constables thereafter held, there shall be an election held for the aforesaid officers, in like manner as for other Justices of the Peace and Constables, until otherwise altered by law.

To hold an election.

Sec. 4. *And be it further enacted*, That all persons living within one half mile of the Court House in said town, that are qualified by law to vote for Justices of the Peace and Constables, shall be allowed to vote at said election. Approved, June 29th, 1837.

[No. 21] AN ACT

To repeal in part an act to locate the seat of Justice in the county of Russell, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that the commissioners under the above act, to wit: George W. Elliot, William Sells, Vincent E. Revere, H. B. Greene and William Riley, shall cease to act as Court House Commissioners in the county of Russell, until such time as the law may hereafter direct.

Commissioners cease to act.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Sheriff of Russell county to advertise an election at the differ-

ent precincts in the county aforesaid, for the purpose of ascertaining whether a majority of the legal voters who are entitled to vote for a representative in the next General Assembly, are in favor of Gerard or Crockettsville; the managers of the election appointed to superintend the next August election in Russell county, shall keep a separate poll, and when the elections are closed, it shall be the duty of said managers to meet on the third day after the election, in the town of Girard, and there ascertain the vote for each place, and after counting up the votes, if a majority should be in favor of Girard, then all the act passed at the sitting of the last Legislature to locate the seat of Justice in the county of Russell, shall be hereby repealed, and the town of Girard continue to be the seat of Justice for said county.

Sheriff to advertise election.

Sec. 3. *And be it further enacted*, That if a majority of the votes given in at said election, should be in favor of Crockettsville, then the commissioners appointed under the provisions of the act passed during the sitting of the last Legislature, to locate the seat of Justice in the county of Russell, shall go on and continue to act agreeable to the provisions of said act.

Commissioners to act.

Approved, June 29th, 1837.

No. 22.] AN ACT

To allow James Griffin the privileges of a citizen of Perry county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, James Griffin, now a citizen of Bibb county, shall be, and he is hereby authorised to vote at all elections in, and enjoy all the privileges of, a citizen of Perry county; shall be liable to do military duty in the nearest adjoining beat in Perry; be liable to be sued in said county of Perry, and to give in and pay taxes in the county of Perry, except for that portion of his land which lies in Bibb county, and shall in all respects have the same privileges and immunities, and be liable to the same penalties as if his residence and estate were situate in the county of Perry.

Approved, June 29th, 1837.

[No. 23.] AN ACT

To repeal an act entitled "an act more effectually to secure the collection of rents in the City of Mobile."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited act be, and the same is hereby repealed.

Approved, June 29th, 1837.

[No. 24.] AN ACT

To discontinue and establish certain election precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precincts heretofore established by law at the places following, be, and the same are hereby discontinued, to wit: At Morgan's Cross Roads, in the county of Benton, and at Wideman's Mill, in the county of Sumter; at the house of John Chism, in Mobile county; at the house of N. Weeks, in the county of Baldwin; at Graham's, at Burwell Harmon's, at McCain's store, at Rogers', in the county of [illegible] at the house of Robert McBryde, in the county of

Wilcox; at Barclay's, at George Ransom's, in Marshall county; at Dyer's Mills, in Pike county; at the Cave Springs, in Marshall county.

Sec. 2. *And be it further enacted*, That the following election precincts be, and the same are hereby established, to wit: One at Ladiga, in the county of Benton; one at the town of Gaston, in the county of Sumter; one in the town of Franklin, and one at the house of James Colemans, in the county of Macon; one at the house of Burwell Bracil, in Tallapoosa county: one at the house of Littlebury Vincent, in the county of Franklin: and one at Fulton, in the county of Mobile; one at the house of Charles G. Lynch, in the village of Aberfoil, in Pike county; one at the store house of Messrs. Blackshear and Houston, one at the Mill of Sampson Smith, in the county of Henry; one at Bradley's store, one at the house of Halman F. Simmons, in Talladega county; one at John Maddox's, in the county of Benton; one at the house of L. B. Clark, one at the house of James Goggins, in the county of Coosa; one at Arthur Mullins' Mills, in Shelby county; one at the house of John Tosh, at Spring Hill, in the county of Mobile; one at Dayton, in Marengo county; one at Dansboro', one at Mount Pleasant, one at Broadfoot's store, one at the house of Martin Rossirs, one at Red Yarborough's, one at Washington's store, in the county of Sumter; one at the house of Wm. Weeks, in the county of Baldwin; one at the house of Peter Ingle, sr. in the county of Walker; one at the store house formerly occupied by Caldwell & Henry, in the county of Wilcox; one at the house of Britain Adkison, in the county of Dale; one at Ringold's bluff, and one at the store of Wm. Hartgrove, in the county of Pickens; one at the Big Spring, in Marshall county; one at the house of Wm. Pack, in the county of Marengo; one at the Mississippi Hotel, in the city of Mobile, one at the Hickory Grove, Montgomery county: one at Van Buren, in Marshall county; one at the house of John S. Kirby, in Jackson county; one at B. Snodgrass & Co's. store, and one at Toliver & Hilliard's store, in Marshall county.

Approved, June 30th, 1837.

[No. 25.] AN ACT

To repeal an act incorporating the town of Jacksonville in Benton county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that an act incorporating the town of Jacksoville in the conty of Benton, approved January the ninth, 1836, be, and the same are hereby repealed.

Approved, June 30th, 1837.

No. 26.] AN ACT

To compensate the Secretary of State for copying and superintending the printing of the Acts and Journals of the present session of the General Assembly and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of three hundred dollars is hereby appropriated to T. B. Tunstall, Secretary of State, for copying and superintending the printing of the acts and journals of the present session of the General Assembly: and that the Comptroller of public accounts be authorised to issue his warrant on the Treasurer for the same.

Sec. 2. *And be it further enacted*, That the sum of fifty-five dollars be, and the same is hereby appropriated for the payment of Thomas J. Burke, for services rendered the committee on the State Bank, in an investigation in relation thereto, and that the Comptroller issue his warrant for the same; and to James Rather the sum of twenty-five dollars for services rendered the same committee, for which the Comptroller is directed to issue his warrant.

Approved, June 30th, 1837.

[No. 27.] AN ACT

For the relief of Nathaniel Alston late Tax collector of the county of Sumter.

Preamble.

WHEREAS Nathaniel Alston assessor and collector of Taxes in the county of Sumter, for the year one thousand eight hundred and thirty-six, was prevented by sickness and providential misfortune from completing the collecting of the Taxes of said county during said year, and within the time prescribed by law, whereby a large amount of the taxes of said county, for said year, remain uncollected to the detriment of the public interest in said county, for remedy whereof;

Authorised to collect taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the said Nathaniel Alston be, and he is hereby athorised and empowed to proceed and complete the assessment and collection of the taxes for the county of Sumter, for the year one thousand eight hundred and thirty-six, now remaining unassessed or uncollected, in the manner prescribed by law, *Provided nevertheless*, that the said Nathaniel Alston shall proceed and complete the said assessment and collection of said taxes within two months from the passage of this act, and if any portion of the said taxes shall remain uncollected within the said period, the same shall be collected by the proper officer, whose duty it may be at the time to collect the taxes in said county, *Provided*, that the securities of said Alston shall first file their assent to the provisions of this act, in the office of the Clerk of the county court of said county.

Proceeding suspended.

Sec. 2. *And be it further enacted*, That all proceedings against the said Nathaniel Alston and his securities for failure to assess or collect the said taxes, be suspended for two months from the passage of this act.

Approved, June 30th, 1837.

[No. 28.] AN ACT

To change the time of holding the County Court for Montgomery county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the county court, for the county of Montgomery, shall be holden on the first Monday in June and December, in each year, instead of the third Mondays as now provided by law.

Time of holding Courts changed.

Writs returnable.

Sec. 2. *And be it further enacted*, That all writs and other processes, made returnable, to said courts, as now provided by law, shall be made returnable to said courts, as altered by this act.

Court to be holden for 12 days.

Sec. 3. *And be it further enacted*, That the county court for the county of Montgomery shall be holden for twelve days, unless the business thereof shall sooner be disposed of.

Approved, June 30th, 1837.

No. 29.] AN ACT

To amend the charter of the Montgomery county Insurance Company and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said company be, and is hereby authorised to lend its surplus funds in any of the public stocks of the United States or of the State of Alabama, to any rail road company or incorporated city or town, or invest the same in any real or personal securities; any thing in the charter of said corporation to the contrary notwithstanding: *Provided,* that this shall not authorise said company to invest any portion of its funds in the stocks of the State, created for the purposes of raising capital for any of the banks of the State.

Authorised to to lend surplus funds.

Proviso.

Sec. 2. *And be it further enacted,* That the same privileges be conferred upon the Merchant's Insurance Company in the city of Mobile.

Sec. 3. *And be it further enacted,* That this act shall not be construed so as to enable either of said companies to issue for circulation any notes or bills in the nature of bank notes, or to issue any paper to be used as money. Approved, June 30th, 1837.

Prohibited from circulating notes or bills.

No. 30.] AN ACT

To amend an act entitled an act to incorporate the Cahawba and Marion Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the proviso in the fourth section in the aforesaid act be, and the same is hereby repealed.

Proviso repealed.

Sec. 2. *And be it further enacted,* That the President and Directors of said rail road company be, and they are hereby authorised, after the sixty days requisition of any instalment as prescribed in said act, on causing ten days previous notice to be given at any public place, in the town of Marion, Hamburg, and Cahawba, or in the newspapers published in Marion and Cahawba, to sell at public auction, to the highest bidder, the whole or remaining part of the amount of stock subscribed by any individual, and are hereby authorised to pay over to such individual the amount for which the same may be sold, more than is due, and recover in any court having jurisdiction thereof, any deficiency in the amount due, if not sold for a sufficient amount. Approved, June 30th, 1837.

Authorised to sell stock at public auction.

No. 30.] AN ACT

To authoris the Secretary of State to distribute certain books.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Secretary of State, to contract with some person, to distribute to the different counties of this State, such books of Reports of the Decisions of the Supreme Court of the State of Alabama, as the officers of the different counties may be entitled to.

Sec. 2. *And be it further enacted,* That after the books aforesaid have been distributed to the different counties, on the certificate of the Secretary of State to this effect, the Comptroller of Public Accounts shall issue his warrant for the amount agreed to be given for distribution. Approved, June 30th, 1837.

No. 31.] AN ACT

Authorising the payment of certain claims against the State

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums be, and they are hereby appropriated to the persons hereinafter mentioned, for forage subsistance and other necessaries furnished for the use of the volunteers engaged in the service of the State against the Creek and Seminole Indians, to wit: to Wiley Harbin, the sum of two thousand three dollars and sixty cents; to David Powell, the sum of one thousand six hundred and ninety four dollars and forty cents; to John McCollough, the sum of one hundred and forty dollars; to John Jones, the sum of nine hundred dollars and twenty cents; to William S. Williams, the sum of seven hundred and twenty-three dollars and eighty cents; to James L. Wright, the sum of nine dollars and thirty cents; to William J. Wilburn, the sum of thirty two dollars: to James H. Smith, the sum of one hundred and forty dollars; to William Newsom, the sum of eight dollars; to Jeremiah Murphy, the sum of seven dollars; to S. B. Watts, the sum of eighty three dollars and seventy-nine cents; to Washington Williams, the sum of forty dollars; to John Elston, the sum of fifty nine dollars eighty-seven and a half cents; to Joseph T. Cook, sixty-four dollars.

Appropriations.

Sec. 2. *And be it further enacted*, That the Comptroller of Public Accounts be, and he is hereby required to issue his warrant on the Treasurer for the above amounts, to be paid out of any monies in the Treasury not otherwise appropriated: *Provided*, that the claims named in this act shall not have been provided for by any previous act of the General Assembly.

Comptroller to issue warrant on Treasurer.

Sec. 3. *And be it further enacted*, That the sum of thirteen dollars eighty-six cents be, and the same is hereby appropriated to each of the following individuals, to wit: William H. Porter, Andrew Hannah, A. Hunt, Cornelius Box, Thompson Staniel, Garner Conner, and William D. Thompson: and the Comptroller of Public Accounts is hereby authorised and required to issue his warrant on the Treasury, to be paid out of any monies not otherwise appropriated for the said sums of money in favor of William Arnold, whose duty it shall be to pay the several sums above appropriated to each of the individuals.

Sec. 4. *And be it further enacted*, That the sum of eleven dollars be allowed to Harrison W. Goyne, and that the Comptroller of Public Accounts is hereby required to issue his warrant on the Treasurer for the same.

Approved, June 30th, 1837.

No. 32.] AN ACT

To change the time of holding the County Court of Chambers county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the county courts of Chambers county, shall be held on the fourth Mondays in January and July, in each and every year, and be held eight judicial days.

First Monday January and July.

Sec. 2. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act be, and the same is hereby repealed. Approved, June 30th, 1837.

Repeal.

[No. 33.] AN ACT

To authorise the Sheriff of Marion county to make the assessment and collect the taxes of Marion county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly Convened,* That it shall be the duty of the Sheriff of Marion county to make the assessment and collect the taxes for said county, and to make payment thereof to the county Treasurer of said county, as required of other Sheriffs in similar cases. Sheriff to assess and collect taxes.

Sec. 2. *And be it further enacted,* That before he enters on the duties of said office, as assessor and collector, he shall give bond and security, as required of other assessors and collectors, in double the amount of said taxes, conditioned to perform said duties according to law, and that this act shall take effect and be in force from and after the passage thereof. Sheriff to give bond and security.

Approved, 30th June, 1837.

[No. 34.] AN ACT

To incorporate the Tallassee Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Henry W. Russell, Wiley Harleim, John McKenzie, E. H. Dryer, Skiffington Holderness, David Stone and B. S. Kenlock, and their successors in office, shall be, and are hereby declared and created a body politic and corporate in law, by the name and style of Trustees of the Tallassee Academy, and by that name shall be able and capable in law to sue and be sued, plead and be impleaded, and shall also have power to borrow money, receive donations, purchase and sell, have and hold real estate or other property in perpetuity: *Provided,* they shall not own at any one time have more real property than shall exceed the value of twenty-five thousand dollars. Academy incorporated.

Sec. 2. *And be it further enacted,* That said body corporate, or a majority of the members composing it, shall have power to pass all such rules, regulations and by-laws, as shall be deemed advisable by them for the good government of said institution: *Provided,* that such by-laws shall not be repugnant to the Constitution of the United States, and the Constitution of this State; and shall moreover have power to appoint a President, Secretary and Treasurer, as well as other necessary officers; the President to be selected from among the board of Trustees. Said officers to be elected annually; and said corporation is further empowered to use a common seal, and the same to alter at pleasure. Shall pass by-laws and elect officers.

Sec. 3. *And be it further enacted,* Whenever any vacancy shall occur in the board of Trustees hereby created, by death, resignation or otherwise, the same shall be filled by the remaining Trustees, or a majority of them. Vacancies how filled.

Sec. 4. *And be it further enacted,* That all property owned by said corporation shall be, and remain exempt from any taxes whatsoever. Property exempt from taxation.

Approved, June 30th, 1837.

No. 35.] AN ACT

To extend for a period of ten years the privileges of Jesse Lott, to keep a bridge over Dog River, in Mobile county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That all the privileges heretofore granted by statute to Jesse Lott, of Mobile county, to

keep a bridge over Dog River, in said county, be, and the same are hereby extended for the period of ten years, to be computed from the expiration of the time limited in the Statute, to which this act has reference. Approved, June 30th, 1837.

[No. 36.] AN ACT

To alter the time of holding the Circuit Courts of Benton, Randolph and Talladega counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Circuit Court of Benton county shall be held on the third Monday after the fourth Monday in March and September, and continue two weeks, and in Randolph county, the fifth Monday after the fourth Monday of March and September, and continue one week; in the county of Talladega, on the sixth Monday after the fourth Monday in March and September, and continue until the business is finished.

Circuit Court when held.

Sec. 2. *And be it further enacted,* That all writs and process of any kind whatsoever, that are hereafter issued and made returnable to the first term of said Courts, according to the existing laws, shall be returnable to the first terms of the Circuit Courts, holden according to the provisions of this act, and shall be proceeded on in every respect as though the same had been made returnable specially thereto.

Writs and other process to be returnable to the first term.

Sec. 3. *And be it further enacted,* That hereafter the County Court of the county of Greene, at the several times appointed for its being held, may sit and continue to be held twelve Judicial days at each and every of its terms, instead of six days, as now provided by law; and that the Judges of the County Courts of Morgan, Mobile and Sumter, may hold open their respective Courts until all the business is finished.

Terms of the county Courts of Greene, Morgan, Sumter & Mobile extended.

Sec. 4. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act be, and the same are hereby repealed. Approved, June 30th, 1837.

Repeal.

[No. 37.] AN ACT

To compensate Merreman Pounds for public services.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of forty-seven dollars be, and the same is hereby appropriated to Merriman Pounds, being a balance due to said Pounds for services to the State in transporting public arms from Tuscaloosa to Jacksonville, in Benton county, and for expenses incurred therein, to be paid out of any money in the Treasury of the State, not otherwise appropriated.

Approved, June 30th, 1837.

[No. 38.] AN ACT

To compensate E. P. Brown for apprehending and bringing to justice Robert Curry, charged with murder.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of two hundred and fifty dollars be, and the same is hereby allowed to Edward P. Brown, for apprehending and bringing to justice one Robert Curry, charged and since convicted of the crime of murder, to be paid out of any money in the State Treasury, not otherwise appropriated. Approved, June 30th, 1837.

[No. 39.] AN ACT

To make appropriations for the payment of claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be, and the same are hereby set apart out of any money in the Treasury not otherwise appropriated, for the payment of persons hereinafter named, for furnishing provisions for prisoners confined in jail, and for other services, to-wit: To Jonathan M. Hill, sheriff Wilcox county, the sum of three hundred and fifty-four dollars and ten cents; and for making returns of the fifth Congressional district, the sum of eighteen dollars and fifty cents; to Samuel Crosbrie, constable of Franklin county, the sum of forty-two dollars; and to David Chandler, sheriff of Perry county, the sum of one hundred and forty dollars.

J M Hill

S Crosbie

D Chandler

Sec. 2. *And be it further enacted,* That the following sums of money be, and the same are hereby appropriated, for the payment of the claims of persons for objects hereafter mentioned, to-wit: To W. & J. Simonton, for carpeting furnished the Senate Chamber, the sum of five hundred and eighty dollars; to P. B. Healey, for necessaries, the sum of five dollars and sixty-five cents; to Joel White, for stationery &c. furnished for the use of the State, the sum of one thousand six hundred and twenty-six dollars and twelve cents; to Robert Nelson, of Perry county, for publishing the act to mitigate the severity of the penal laws, the sum of ten dollars; to Thomas M. Bradford, for publishing a circular, requiring the strength and condition of the militia, and printing one thousand abstracts of form &c., the sum of one hundred dollars; to C. D. Connor, Secretary of the Senate, for bringing up the journals, one hundred and fifty dollars.

W & J Simonton

P B Healey

Joel White

Rob't Nelson

T M Bradford

C D Connor

Approved, June 30th, 1837.

[No. 40.] AN ACT

To incorporate the Tallassee Bridge Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a company be, and the same is hereby incorporated to construct a toll bridge across the Tallassee river, in the county of Tallapoosa, on the East half of section thirty, in township eighteen, range twenty-two, and north of the present ferry landing, opposite the town of Tallassee. The capital stock of said company shall not exceed twenty-five thousand dollars, divided into shares of one hundred dollars each.

Company incorporated.

Capital stock.

Sec. 2. *And be it further enacted by the authority aforesaid,* That Edward Haurick, Henry W. Russell, E. Randall, David C. Neal and Wiley Harben, their successors, associates and assigns shall be, and are hereby declared and created a body politic and corporate, by the name and style of the President and Directors of the Tallassee Bridge Company, and by that name and style shall be, and are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing, depending or to be instituted in any Court of law or equity in this State, and also to make and use a common seal, and the same to alter at pleasure, and also to ordain and establish such by-laws and ordinances as they may deem necessary for the proper government of said company.

Seal and by-laws.

Sec. 3. *And be it further enacted,* That said bridge, when built, shall be the property of said corporate body in perpetuity, and

said company shall ask, demand and receive, whenever said bridge can be crossed at the following rates of toll, to-wit: For each four-wheel pleasure carriage, seventy-five cents; for each four-wheel road wagon, seventy-five cents; for each four-wheel carriage, not of pleasure, but working two horses, fifty cents; for each carryall or Jersey wagon, thirty-seven cents; for each two-wheel pleasure carriage, thirty-seven cents; for each cart, twenty-five cents; for each horse and rider, twelve cents; for each horse, mule, jack or jenny, six cents; for each foot passenger, six cents; for each head of neat cattle, three cents; for each head of sheep, hogs or goats, two cents.

Rates of toll.

Sec. 4. *And be it further enacted*, That the individuals herein declared a body politic, shall dispose of the stock of said company, under such restrictions and limitations as they may deem advisable, and the stockholders therein shall elect annually a President and four Directors, and electors shall have as many votes as shares, and the President and Directors shall choose a Treasurer, who shall make semi-annual reports, and give bond to said company for the faithful discharge of his duties, which bond shall be approved and received by the appointers aforesaid.

Elect President and four Directors.

Give bond.

Approval.

Sec. 5. *And be it further enacted*, That said company shall be liable for all injuries that may be sustained by persons or property passing said bridge, so long as toll shall be demanded: *Provided*, such injury shall arise from negligence of the keeper of said bridge, or for want of proper repairs: *Provided also*, that nothing in this bill shall in the least degree interfere with or impair the rights of others to any lands. Approved, June 30th, 1837.

Liable to injuries.

provided from negligence.

[No. 41.] AN ACT

Making appropriations for the payment of certain claims against the State.

Section 1. Be *it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be, and they are hereby appropriated to the payment of persons herein after named, for furnishing provisions to persons confined in the jails of their respective counties and for other purposes, to wit: To T. & C. M. Wiley, jailors of Sumter county, the sum of fifty-five dollars and thirty cents; to John Atkins, jailor of Chambers county, the sum of four hundred and eighty-one dollars and sixty cents; to Richard W. Barbar, jailor of Tuscaloosa county, the sum of two hundred and thirty-seven dollars and sixty cents; to William Blythe, sheriff of Talladega county, the sum of sixty-eight dollars and sixty cents; to Lewis Griggs, the sum of fifty dollars, for apprehending John Guy and prosecuting him for horse stealing; to George W. Patterson, the sum of nineteen dollars and fifty cents, for apprehending Reuben Norris, charged with the crime of murder; to Robert Guthry and James Ables, the sum of one hundred and fifty-one dollars, for apprehending Robert Norris, charged with murder; to Asia R. Brindlay, the sum of fifty dollars, for apprehending and prosecuting R. B. Haney for horse stealing; to Stephen Register, jailor of Sumter county, the sum of ninety-seven dollars and eighty cents.

Appropriations.

Sec. 2. *And be it further enacted*, That the following sums of money be, and they are hereby appropriated for the payment of the persons mentioned, for slaves executed under sentence of law, to wit: To E. Gant, the sum of twelve hundred and fifty dollars; to B.

A. Jones, the sum of seven hundred and ninety-one dollars and sixty cents.

Sec. 3. *And be it further enacted*, That the following sums of money be, and the same are hereby appropriated to the payment of the persons herein named, for the objects specified, to wit: To A. A. McCartney, the sum of nine dollars and fifty cents, for publishing proposals for printing and binding decisions of the supreme court; to James E. Belser, the sum of ten dollars for publishing an act to mitigate the penal law; to James Rather, the sum of thirty-six dollars and fifty-cents, for lime and for putting the Capitol and furniture in order for the present session; to J. A. Collins, the sum of one hundred dollars, for distributing Porter's Reports and acts of Congress; to Jabez Leftwick, seventy dollars and thirty-eight cents, for an over payment made into the Treasury by him, as Tax Collector of Madison county in 1833; to W. B. Anderson, the sum of seven dollars, for publishing an act to mitigate the penal laws; to John Tatom, Door-keeper, the sum of thirty-one dollars and twenty-five cents, for servant hire and articles furnished; to G. B. Frierson, Principal Clerk to the House, the sum of one hundred and fifty dollars, for bringing up the Journal of the present session; to James G. Blount, the sum of one hundred and forty-nine dollars and thirty-three cents, for attending the Supreme Court as Sheriff, and for stationary and other articles furnished for its use.

Sec. 4. *And be it further enacted*, That the Comptroller of Public Accounts, shall issue his warrants for the foregoing sums, to the persons mentioned, payable out of any money in the Treasury not otherwise appropriated.

Sec. 5. *And be it further enacted*, That the sum of thirty dollars be and the same is hereby appropriated to A. R. Thomas, Door-keeper to the Senate, for servant hire during the present session, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 6. *And be it further enacted*, That the sum of three hundred and forty dollars be, and the same is hereby appropriated, for the payment of John LaTourette, for thirty-four copies of a Map of the State of Alabama, subscribed for by the Secretary of State, by joint resolution of the General Assembly.

Sec. 7. *And be it further enacted*, That Clement N. Bassett be allowed ten dollars for prosecuting a negro slave, named Susan, in the County Court of the county of Dallas.

Approved, June 30th, 1837.

No. 42.] AN ACT

To incorporate the town of Dadeville in the county of Tallapoosa and State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all that tract of land included within the following boundaries, viz: the south west quarter, of section number four, in township number twenty-one, and range number twenty-three, in the county of Tallapoosa, shall be designated and known by the name of the town of Dadeville, and the inhabitants residing within the limits of said town, as hereby established, shall be, and they are hereby constituted a body corporate and politic, and who shall on the third Monday in July next, and on the third Monday in July in each and every year thereafter, election when held.

elect by ballot an Intendant and five Councellors, resident land or householders, who shall be designated and known by the name and style of the Intendent and Council of the town of Dadeville, and by their said corporate name and style they and their successors in office may sue and be sued, plead and be impleaded, either at law or in equity, and may purchase, have, hold, receive, enjoy and retain in perpetuity or for term of years, any estate real or personsonal, not exceeding in value ten thousand dollars, and to sell, lease or otherwise dispose of the same for the benefit of the said town; also may have and keep a common seal, and the same to break, alter and amend at pleasure, and in general to do all acts which are or may be incident to bodies corporate.

Seal.

Sec. 2. *And be it further enacted,* That the first election for intendant and councellors shall be conducted by Irvine Lawson, Samuel Dennis, Francis Powers and John Clark, or any two or more of them, and all subsequent elections shall be conducted by any three persons, to be appointed by the intendant and councellors of the town of Dadeville, and said managers of elections shall give at least ten days notice of the time and place of said election, by posting the same at any two public places in said town, the polls to be kept open from ten o'clock, A. M., and closed at one o'clock P. M., at each election; and the intendant and councellors before entering upon the duties of their office, shall take and subscribe the following oath, before the judge of the the county court or any justice of the peace for said county, viz: I do solemnly swear or affirm as the case may be, that I will well and truly and to the best of my knowledge and ability execute and discharge the duties of intendant (for intendant) counsellor (for the councellors) of the town of Dadeville, without fear, favor, or partiality, so help me God.

Who to conduct first election.

Ten days notice.

Oath of office to be taken.

Sec. 3. *And be it further enacted,* That any elector of said town who is of the age of twenty-one years or upwards, shall be eligible either to the office of intendant or councellor, and should the said intendant remove from the said town, or be absent therefrom for three months at any time without the consent of the councellors, his office shall be vacated, and should any councellor or councellors remove from the said town, or shall be absent therefrom for three months at any one time, without the consent of the intendant and the other councellors, his or their office shall be vacated; and it shall be the duty of the remaining part of the board forthwith to supply the vacancy or vacancies so occurring.

Office to be vacated.

Sec. 4. *And be it further enacted,* That in the event of any vacancy occurring in the office of intendant, either by death, resignation or otherwise, the councellors shall choose one of their body intendant *pro tempore,* who shall continue in office as intendant until the next succeeding annual election, and further, if any vacancy shall happen in the body of councellors by death, resignation or otherwise, then and in that case, it shall be the duty of the intendant to appoint managers to hold an election to fill such vacancy or vacancies, who shall after giving five days previous public notice, proceed to open the polls for such election, and after the same, it shall be their duty to make known to the successful candidate his election.

Vacancy how filled.

Sec. 5. *And be it further enacted,* That all white free male citizens of the age of twenty-one years and upwards, who shall have re-

sided within the limits of said town three months, immediately preceeding an election for intendant and councellors, or either of them, and all householders or freeholders therein, who shall have resided within the limits of said town one month previous to said election, shall be deemed qualified voters at said election for such intendant and councellors or either of them.

Who qualified to vote in election.

Sec. 6. *And be it further enacted*, That the intendant and councellors, or a majority of them, shall have power to adjourn their meetings from time to time: *Provided*, the intendant may at any time call a meeting of the councellors by written notice, designating the time and place of meeting, and on application of any two or more councellors, the intendant shall call a meeting in like manner; they shall keep a journal of all their proceedings, and record all their official acts and doings, and the yeas and nays on every question or subject, shall be taken and recorded at the request of any member of the board, and all deliberations of said intendant and councellors shall be public.

Adjourn and call meeting.

keep a journal

Sec. 7. *And be it further enacted*, That the intendant of said town, shall *ex-officio* be a justice of the peace within the limits of the same.

Intendant to be exofficio a justice peace.

Sec. 8. *And be it further enacted*, That the said intendant and councellors shall have authority to enact such ordinances and by-laws as they may deem necessary for the good order and government of said town of Dadeville, to prevent and remove nuisances of every description, and which may extend to the preservation of health, to establish night watches, patrols or town guards, to erect lamps, to regulale the paving or flaging, guttering and railing the side walks, to protect by adequate penalties shade and ornamental trees in said town, to provide for licensing and regulating such retailers of liquors as they may believe the interest of said town shall require: *Provided*, such person or persons as they may see fit to license shall have first obtained a license from the county court, to license, tax and restrain at pleasure theatrical amusements, shows and museums of all kinds whatsoever within said corporation, to clear and keep in repair the streets of said town, to restrain and prohibit all nightly and disorderly meetings of slaves, free negroes or mulatoes and all other knavish and disorderly persons, to restrain and prevent all white persons and free persons of color and slaves from trading with slaves without a written order and permit from his, her or their owner or owners, agent or overseer, and in general to pass such ordinances and by-laws not contrary to the constitution of this State and the laws thereof, as the said intendant and council shall from time to time deem expedient and necessary, to carry into effect the meaning and effect of this act, and the same to put in execution, and to revoke and alter the same as shall be deemed expedient; the said intendant and council shall appoint a clerk, a treasurer, assessor to collect and marshal and such other subordinate officers as they may deem expedient and necessary, and require such security for the faithful discharge of their respective duties as may be deemed adequate; the said intendant and council are hereby also empowered to impose appropriate fines, penalties and forfeitures for the breach of their ordinances and by-laws, not to exceed fifty dollars for every offence, recov-

To prevent and remove nuisances.

night watches and town guards.

License retailers of liquor.

Clear and keep streets in repair.

Prohibit all meeting of slaves and disorderly persons.

Appoint a clerk, treasurer, assessor and Marshall.

Impose fines and forfeiture

erable with cost in the name of the intendant and council of the town of Dadeville, for the use of the town, before the intendant thereof, for which suit may be commenced by warrant returnable forthwith:

Proviso

Provided, that all ordinances and by-laws shall be subject to repeal by the Legislature of this State, and that nothing herein contained shall be so construed as to prevent appeals to the circuit and county court, in the same manner and under the same rules and regulations as appeals are taken from justices of the peace.

Levy and collect tax.

Sec. 9. *And be it further enacted*, That the said intendant and council shall have power to levy and collect a tax on real estate, not exceeding twenty-five cents on every hundred dollars worth, when the lots are improved with a house or houses and enclosures, and not exceeding one dollar on every hundred dollars worth, when the lots are not improved with a house or houses and enclosures, and not exceeding fifty cents on every hundred dollars worth of stock in trade and all other personal property kept within corporate limits of the town of Dadeville: *Provided*, the tax on real and personal estate be laid in proportion to the value thereof, according to an assessment and valuation given by the owner or owners, his, her or their agent, or by the assessor appointed by the intendant and council, and should any person think his or her property assessed too high, he or she shall have a right to complain to the intendant and council, who shall consider and reduce said assessment if in their opinion it has been placed too high by said assessor, and their decision shall be final.

Proviso.

Appoint overseer of streets

Sec. 10. *And be it further enacted*, That the intendant and council of the said town of Dadeville shall appoint an overseer or overseers of the streets of said town, and shall require and regulate the working on the same not exceeding ten days in each year, and may exempt at their discretion from working on the same, all persons they may think proper, and all persons living within the corporation, liable by law to work on roads and highways, by paying an additional poll tax not exceeding five dollars per head on each one so liable to work for the use of said town, shall be exempt from working on the same.

Who liable to work streets.

Approved, June 30th, 1837.

[No. 43.]

AN ACT

To form a company of Militia with a less number of privates than forty, in the county of Franklin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall and may be lawful to form a new company beat of militia of a less number of privates than forty, in the ninth regiment of Alabama militia, in the county of Franklin, to be formed in the South West corner of said county, agreeable to such bounds as shall be designated by a Regimental Court Martial, to be convened by the order of the commanding officer of said regiment for that purpose.

Less than 40 privates.

Sec. 4. *And be it further enacted*, That the company thus formed, shall be officered in the same manner as other militia companies are in this State, and so soon as said company is organised, the Captain is hereby authorised and required to hold an election for two Justices of the Peace and one Constable, who shall be subject to the same rules and regulations as other officers of the same grade are, and shall hold their offices until the next general election for such officers.

Election for justice and constable.

Approved, June 30th, 1837.

Election held W. B Miller. Second Monday in August. Elect five Councillors. Who managed by. Duty of Intendant. Hold property to the amount of $5,000 To pass by-laws and ordinances. Establish patrols. Appoint Treasurer, Assessor, Collector and Constable. Impose fine Ordain penalty Levy tax

Sec. 2. *And be it further enacted*, That an election shall be held at the store-house of William B. Miller & Co. on the second Monday in August next, and annually thereafter, the poll to be opened at eleven o'clock in the morning, and closed at two o'clock in the evening, for the purpose of electing by ballot, five Councillors, inhabitants of said town, who shall serve for the term of one year, after they shall have been elected. The first election shall be managed by William D. Hayton, William B. Miller and Albert Johnson, and all subsequent elections shall be managed by two of the Councillors to be appointed by the board for that purpose, and the said Councillors shall, on the next day after each election, in each year, meet and elect by a majority of votes from their own body, an Intendant, whose duty it shall be to preside and keep order at all meetings of the said Councillors, and in his absence, any other member may be called to the chair, and the said Intendant and Council shall be, and they are hereby constituted a body corporate, by the name and style of the Intendant and Council of the town of New Market, and by that name they and their successors shall be capable in law, of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or in equity, also to have and to keep a common seal, and the same to break, alter or amend at pleasure; and in general to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property, to the amount of five thousand dollars.

Sec. 3. *And be it further enacted*, That the said corporation shall have power to pass by-laws and ordinances, necessary to preserve the health of said town, to prevent and remove nuisances, to establish patrols, to clear and keep in repair the streets and alleys of said town; in general to pass such by-laws not contrary to the constitution of this State, and the laws thereof, as the said corporation, from time to time, shall deem expedient, to carry into effect the meaning and intent of this act, and the same to put in execution, to revoke and alter as the said corporation shall deem expedient, and the said corporation shall have power to appoint a Treasurer, Assessor or Collector and Constable, and such other subordinate officers as they may think necessary, and by ordinances to require such security from the several officers so appointed, to annex such fees to the several officers as they may deem necessary, and to impose a fine for mis-feasance, mal-feasance or non-feasance in office, at their discretion, not exceeding twenty-dollars: they are hereby also empowered, to ordain such penalty or penalties, not exceeding five dollars, for a breach or breaches of their by-laws, as they may deem proper; and all fines by them imposed, shall be sued for in the name of the corporation, before any justice of the peace of said county, or Intendant of said town.

Sec. 4. *And be it further enacted*, That the said Intendant and Council, are hereby authorised, annually, to levy and caused to be assessed and collected, a tax not exceeding one per centum. on the value of all the real property in said town, to be assessed by the assessor according to such regulations as they may deem proper; they shall also have the power to levy and cause to be assessed and collected, a poll tax not exceeding two dollars on each white male in-

[No. 44.] AN ACT

To provide for the payment of the Members of the present General Assembly, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*; That the sum of fifteen thousand dollars be, and the same is hereby appropriated for the payment of the members of the present General Assembly, and the officers of the same. Appropriations to the members of the present General Assembly.

Sec. 2. *And be it further enacted*, That the sum of five hundred dollars be, and the same is hereby appropriated to the payment of Nancy L. Massey, Administratrix of Darling S. Massey, being one half the value of a slave, Clarke, executed by the Sheriff of Marengo county. Appropriat'n to Nancy L. Massey.

Sec. 3. *And be it further enacted*, That the sum of three hundred and seventy dollars and thirty-three cents, be and the same is hereby appropriated to the payment of Martin Harkins, surviving partner of M. and S. Harkins, for one half the value of a slave, Dilsey, executed in pursuance of the sentence of the Circuit Court of Lauderdale county. Appropriat'n to Martin Harkins.

Approved, June 30th, 1837.

[No. 45.] AN ACT

To raise a salary for the Judge of the County Court of Dallas county.

Section 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Sheriff of said county, and he is required to hold an election at the several precincts in said county, at the next general election, requiring voters that are in favor of giving to the Judge of the said County Court a stated salary, to endorse the word "salary" on their votes, and those that are not in favor of the same, endorse the word "no salary" on their votes, and the Sheriff is further required to propound the question to each voter, whether he is for or against a salary. Sheriff to hold lection. To endorse the word 'salary' or no 'salary.'

Sec. 2. *And be it further enacted*, That it shall be the duty of the Sheriff, to make due return of said election to the commissioners court of roads and revenue, whose duty it shall be to examine the polls, and should their be a majority of the whole number of votes given in at said election, be in favor of a salary, they shall allow and they are required to give to said Judge of the County Court, such stated salary for his services, as to them may seem meet and proper, to be paid out of the county treasury of said county, which salary shall not be diminished during the time for which said Judge of the County Court shall have been elected, or during the time he may remain in office, and no longer. Sheriff to make return of election to commissioners Salary paid out of county Treasuty

Approved, June 30th, 1837.

[No. 46.] AN ACT

To incorporate the Town of New Market in the county of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of New Market in Madison connty, be and the same is hereby incorporated, and the bounds of said corporation shall be as follows: Commencing at the south end of the lane running through said town, thence at right angles two hundred yards on each side of said road, running parallel with the same north, so far as to include the dwelling of Frances Hill. Bounds of corporation

habitant in said town, above the age of twenty-one years, who shall have resided in said town three months immediately preceding the time of levying said tax; also on retailers of spiritous liquors, goods, wares and merchandise, or either of them, not exceeding five dollars per annum, and also on all owners of slaves not exceeding one dollar for each slave. Who liable to pay tax.

Sec. 5. *And be it further enacted*, That when any vacancy shall occur in the board of councellors, such vacancy shall be filled by the board, and the member or members so appointed shall continue in office until the next annual election. Vacancies how filled.

Sec. 6. *And be it further enacted*, That should the election not be held on the day herein fixed for the annual election of councellors, the board shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the board to fix some other day within one month thereafter, on which day two of the councellors shall attend and hold an election for councellors.

Sec. 7. *And be it further enacted*, That the said Intendant and Council shall appoint a clerk whose duty it shall be to keep a fair record of their proceedings, and to publish the same and all laws and ordinances at three public places in said town. Appoint clerk keep record.

Sec. 8. *And be it further enacted*, That the Intendant and Councillors first elected and their successors, shall, before they enter upon the duties of their office, take an oath before some person qualified to administer the same, that they will faithfully discharge the duties to them committed, without favor, partiality or prejudice. Take oath of office.

Sec. 9. *And be it further enacted*, That all white male persons above the age of twenty-one years, who shall have resided within the limits of said town three months immediately preceding an election for Councellors, and all freeholders therin, shall be deemed qualified electors at such election. Who qualified electors.

Sec. 10. *And be it further enacted*, That the constable elected or appointed under the provisions of this act, shall only be permitted to do the business of said corporation.

Approved, June 30th, 1837.

[No. 47.] AN ACT

To authorise Thomas Longacre and Thomas Carguile to erect mills on Crow Creek in Jackson county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas Longacre and Thomas Carguile be, and they are hereby authorised to erect severally, mills on Crow creek, Jackson county, with the proviso, that the dams of said mills are not to exceed six feet in height: *And provided moreover*, that the said Carguile is not to build his dam so close to the mill of said Longacre as to drown the wheels of said mill: *Provided nevertheless*, that nothing contained in this act shall be so construed as to authorise the said Longacre and Carguile to obstruct the navigation of said Crow creek, so far as it has been established by law as a public highway. Height of dams. Proviso. Not to obstruct navigation.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Sec. 3. *And be it further enacted*, That the mill dam erected

on Flint River, in Madison county, known by the name of John C. Grayson's mill dam, be liable to be pulled down by any person or persons, unless the free navigation of the river be kept open agreeable to the provisions of the law authorising said mill dam: *And provided further*, should said mill dam be pulled down, the person or persons so doing, shall not be liable to damages.

Approved, June 30th, 1837.

No. 48.] AN ACT

To authorise James Crutcher and his associates to open and turnpike a road therein named.

James Crutcher and associates to turnpike road

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Crutcher and his associates be, and they are hereby authorised and empowered to lay out, open and turnpike a road, to begin at the house of the widow Gillespie, near the Village Springs in Blount county, and run the most suitable route for public convenience from said place of beginning, in a direction of Gunter's Landing in Marshall county, till it enters the turnpike road of George I. Massey, to strike the Tennessee river at Gunter's Landing.

Road to be 18 feet wide.

Sec. 2. *And be it further enacted*, That the aforesaid road shall be opened eighteen feet wide, twelve feet of which shall be clear of any obstruction, stumps, grubs, &c. to be taken up or cut level with the ground; sloping ground and banks of water courses shall be so worked on as to admit the easy passage of all kinds of carriages, and all marshes and swamps shall be causewayed twelve feet wide, with good and durable materials.

Marshes and swamps to be causeways.

Sec. 3. *And be it further enacted*, That when the said James Crutcher and his associates shall have completed said road, and reported the same to the Judge of the county court of Marshall county, it shall be the duty of the Judge to appoint three suitable persons, two of whom shall be competent to act, to examine said road, and report to said Judge whether or not said road is completed in accordance with the provisions of the second section of this act, and said commissioners shall receive for their services such compensation as the said Judge shall deem reasonable and proper, to be paid by the said James Crutcher and his associates.

Commissioners appointed

Sec. 4. *And be it further enacted*, That the aforesaid commissioners report to the aforesaid Judge that the said road has been opened and cleared out, and is in as good order as is contemplated by the second section of this act, then, and in that case, the aforesaid James Crutcher and his associates are hereby authorised to erect two gates on said road, at such places as he or they may think proper, at which gates they may demand and receive of and from every person passing through said gates the following rates of toll, to wit: for every four wheel charriage drawn by four or more horses, mules or oxen, fifty cents; for all carriages of every kind drawn by less than four horses, mules or oxen, thirty-eight cents; for every man and horse, twelve and a half cents; for every loose or led horse or mule, six cents; for every head of cattle, two cents; for every head of sheep, goats or cattle, two cents; *Provided*, that if the said James Crutcher and his associates shall choose to erect only one gate on said road, then, and in that case, they shall be allowed to charge double the amount of toll expressed above at said gate, and if any person shall pass around said

To erect toll gates.

Rates of toll.

gates with the intent to avoid the payment of toll, he or she for any such offence shall forfeit and pay to the said James Crutcher and his associates or their legal agent four fold toll, together with all costs of suit, to be recovered before any justice of the peace having jurisdiction thereof.

Sec. 5. *And be it further enacted*, That on application by any two citizens to the Judge of the county court of Blount and Marshall counties, or either of them, it shall be their duty to direct three suitable commissioners, two of whom shall be competent to act, who shall proceed to examine the condition of said road, and to report the condition of the same to said Judge, and in case the said commissioners should report the said road is not in good order, then the said Judge shall direct the gate or gates on said road to be thrown open, and no toll shall be received at the same until the same shall have been repaired and put in as good order as is contemplated by this act, and examined and reported as before provided for.

Com. oppointed to examine the road.

Sec. 6. *And be it further enacted*, That the said James Crutcher and his associates or their successors, shall commence said road within one year from the passoge of this act, and complete the same within three years thereafter, and shall have the right to receive toll thereon for fifteen years from the time the first gate shall be erected on said road: *Provided*, that the citizens of the counties of Blount and Marshall may travel on said road on foot and on horseback without paying toll at said gate or gates, and that no gate shall be erected on said road within two miles of Gunter's Landing.

Road to be commenced within 1 year.

Proviso.

Approved, December 23d, 1836.

NOTE.—This Act should have been published with the Acts of the last Session: it is now published from a copy furnished Mr. Crutcher, which is filed in this office, the original of which has been lost or mislaid.

T. B. TUNSTALL.
Secretary of State.

A PREAMBLE and joint Resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened.

WHEREAS, a company of volunteers in the service of the United States, under the command of Major General Wool, have been stationed in the country lately owned by the Cherokee tribe of Indians, in this State, for the pretended purpose of keeping peace between the said tribe of Indians and the citizens of the State, and have taken upon themselves the authority to adjudicate upon the claims of our citizens to the right of their possession to improvements, and in the enforcement of those adjudications have brought about a most ruinous and fatal conflict between our own most worthy citizens, the consequences of which have already resulted in the taking of each others lives: Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That for all purposes of keeping the peace, and for the adjustment of any of the conflicting claims of any of the citizens of this State, the Courts of our State are invested with ample power, and are not wanting in inclination to enforce the[illegible] in the administration of justice to the Indian, as well as to the white man, and [illegible]ognize the right of authority in any Military Court or Volunteer Company [illegible]e powers. *Resolved further*, that the stationing of an armed force in [illegible]r State for the purposes aforesaid, is uncalled for and unnecessary, and a [illegible]ce with the powers and authorities of our Courts, and should not be per-

[illegible] *resolved*, That the continuance of said armed force in our State ex[illegible] aforesaid, is well calculated to produce a breach of the peace, rather [illegible]e of good order, and a violation of rights, rather than the administra[illegible] is a grievance to our citizens and an infringement upon the judicial [illegible]es of this State, and should not be tolerated in a community of ample

laws. *Resolved further*, that the Governor be required to address the Secretary of War on the subject of the foregoing Preamble and Resolutions, and to forward him a copy of the same, and request him either to remove from the limits of this State any volunteer company in the service of the United States, exercising the powers aforesaid, or so restrict their powers as not to conflict with the constituted authorities of the State; that the Governor be, and is hereby directed to take immediate steps to prevent the further progress of said military force in deciding legal controvercies within the limits of this State.

Approved, June 30th, 1837.

DEPARTMENT OF STATE,
TUSCALOOSA, ALABAMA, July 18, 1837.

I have carefully examined the foregoing acts and resolutions, and find them to be true copies of the original rolls on file in this office. T. B. TUNSTALL, *Secretary of State.*

ERRATTA.—In the 14th section of the Act to extend the indebtedness to the Bank, &c. 13th page, 4th line from the top, before the word State, read *this*, instead of "the."

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